

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. 09/761,558
 Filing Date 1/16/2001
 Inventorship Snyder, et al.
 Applicant Microsoft Corporation
 Attorney's Docket No. MS1-531US
 Title: Sampling-Efficient Mapping of Images

PETITION UNDER 37 C.F.R. 1.47(a)

A joint inventor, Mr. Don P. Mitchell, could not be found or reached following a diligent effort to contact him. The following statement of facts and identified proof describe the efforts taken to locate and contact Mr. Don P. Mitchell:

1. On July 10, 2001, an employee of Microsoft Corp., Bryan Imai forwarded an electronic mail (e-mail) (see attachment A) to my assisting paralegal, Lori Vierra, stating that Mr. Don P. Mitchell is no longer an employee of Microsoft Corp. and that members of the in-house legal team have been unable to obtain the signature of Mr. Don P. Mitchell on the formal papers that were sent to him.
2. Following receipt of this above-referenced e-mail, on July 11, 2001, my assisting paralegal, Lori Vierra, prepared and forwarded a new package containing a cover letter (see attachment B), a copy of the above-identified patent application, a corresponding combined declaration and power of attorney, an assignment, and a prepaid return envelope, via FedEx (see attachment C), to Mr. Don P. Mitchell at his last known address of 2621 168th Avenue NE, Bellevue, WA 98008.
3. On July 23, 2001, my assisting paralegal, Lori Vierra, accessed an Online FedEx Tracking service (via the Internet) and found that FedEx delivered said package

1 on July 13, 2001 to 2621 168th Avenue NE, Bellevue, WA 98008 (see
2 attachment D).

3 4. Subsequently, beginning in late July of 2001 and extending through late
4 September 2001, I made several telephone calls, at varying times in the day
5 and evening, to Mr. Don P. Mitchell at (425) 936-4716, wherein each call was
6 answered by an answering machine, on later occasions the recorded voice on
7 the answering machine message identified the number as belonging to Don
8 Mitchell.

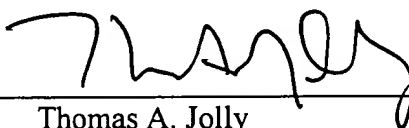
9 5. As of the date of signing of this petition, no reply from Mr. Don P. Mitchell
10 has been received by me or any other employees of Lee & Hayes, PLLC.

11 I hereby declare that the statements made herein of my own knowledge are true.

12 It is respectfully requested that this Petition under 37 C.F.R. 1.47(a) be granted.

13
14 Respectfully submitted,

15
16 Date: 9/27/01

17 
18 Thomas A. Jolly
Reg. No. 39,241

19 Lee & Hayes, PLLC
20 421 W. Riverside Avenue, Suite 500
Spokane, Washington, 99201
(509) 324-9256

21 Attachments:

- 22 A. Copy of a e-mail from (client) Microsoft Corp.
23 B. Copy of a cover letter from package sent to Mr. Don P. Mitchell.
24 C. Copy of a FedEx receipt for package sent to Mr. Don P. Mitchell.
25 D. Copy of an e-mailed FedEx tracking report for package sent to Mr. Don P. Mitchell.

Lori Vierra

Attachment A

From: Bryan Imai (LCA) [bryani@microsoft.com]
Sent: Tuesday, July 10, 2001 3:39 PM
To: lori@leehayes.com
Cc: Jack Bradley (LCA); Sonja Anderson (LCA); Bryan Imai
Subject: RE: Missing Parts MS #146851.1 / MS1-531US

Lori,

Jack and I have taken responsibility for this case. Sonja has obtained John Snyder's signature, and I will be forwarding that on to you momentarily. Don Mitchell is no longer a Microsoft employee, and has been reluctant (or just tardy) in signing the papers that were sent to him.

Please go ahead and follow up with Don in getting his signature. I have included his contact information below.

Don P. Mitchell
2621 168th Avenue NE
Bellevue, WA 98008
(425) 936-4716

Thanks,
Bryan

-----Original Message-----

From: Lori Vierra [mailto:Lori@leehayes.com]
Sent: Friday, July 06, 2001 2:13 PM
To: Sonja Anderson (LCA)
Cc: LHDocket
Subject: FW: Missing Parts MS #146851.1 / MS1-531US

Sonja,

The due date for these Missing Parts is 7/30/01 with a 2 month extension. Do you think we'll make this date?

Thanks!
Lori

-----Original Message-----

From: Sonja Anderson (LCA) [mailto:sanders@microsoft.com]
Sent: Tuesday, June 12, 2001 10:58 AM
To: Lori Vierra
Cc: LHDocket; Sonja Anderson (LCA)
Subject: Missing Parts MS #146851.1 / MS1-531US

Hi Lori -- I will obtain John Snyder's signature for the matter referenced above.

Thank you,
Sonja

-----Original Message-----

From: Lori Vierra [mailto:Lori@leehayes.com]
Sent: Tuesday, June 12, 2001 10:18 AM
To: Sonja Anderson (LCA)
Cc: LHDocket
Subject: FW: Missing Parts MS #146851.1 / MS1-531US

7/12/2001

Attachment B

July 11, 2001

Don P. Mitchell
2621 168th Avenue NE
Bellevue, WA 98008

RE: Microsoft Patent Application No. 09/761,558
"Sampling-Efficient Mapping of Images"

Dear Mr. Mitchell:

Enclosed are formal papers (as well as a copy of the application itself and drawings as filed) relating to the above-mentioned patent application. Please sign where indicated, and return the executed documents, at your earliest possible convenience, in the enclosed self-addressed, prepaid Federal Express envelope.

Should you have any questions regarding this matter, please do not hesitate to call me at (509) 324-9256, extension 230. I can also be reached via email at lori@lee-hayes.com. If there are any outstanding issues regarding this application, please contact the attorney, Tom Jolly, at (509) 324-9256, extension 229.

Thank you, in advance, for your prompt response to this request.

Sincerely,



Lori Vierra
Paralegal

Attachment C

PULL AND RETAIN THIS COPY BEFORE AFFIXING TO THE PACKAGE.



FedEx. USA Airbill
Express

1 From *Please print and press hard*
Date 7/11/01 Sender's FedEx Account Number 1825-5831-1

Sender's Name Lori Vickra JTAJ Phone (509) 324-9256

Company LEE & HAYES PLLC

Address 421 W RIVERSIDE AVE STE 300

City SPOKANE State WA ZIP 99201

2 Your Internal Billing Reference MSL531US OPTIONAL

3 To Recipient's Name Don P. Mitchell Phone ()

Company

Address 2621 118th Ave NE

City Bellevue State WA ZIP 98008

Dept./Room/Suite/Room

Peel and Stick FedEx USA Airbill

See back for application instructions.

Questions? Visit our Web site at fedex.com

or call 1-800-Go-FedEx® (800)463-3339.

By using this Airbill you agree to the service conditions on the back of this Airbill and in our current Service Guide, including terms that limit our liability.

0180739864

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☐ FedEx 2Day ☐ FedEx Express Saver ☐ NEW FedEx Extra Hours

4b Express Freight Service

☐ FedEx 1Day Freight* ☐ FedEx 2Day Freight ☐ FedEx 3Day Freight

5 Packaging ☐ FedEx Envelope* ☐ FedEx Pak* ☐ Other Pkg

6 Special Handling ☐ SATURDAY Delivery ☐ SUNDAY Delivery ☐ HOLD Weekday ☐ HOLD Saturday

7 Payment Bill to ☐ Sender ☐ Recipient ☐ Third Party ☐ Credit Card ☐ Cash/Check

Total Packages 1 Total Weight 1.00 Total Declared Value* \$.00

8 Release Signature Sign to authorize delivery without obtaining signature.

FedEx Acct. No. Exp. Date

Credit Card No.

*Declared value limit \$200

*Call for Confirmation

*Our liability is limited to \$100 unless you declare a higher value. See back for details.

By signing you authorize us to deliver this shipment without obtaining a signature and agree to indemnify and hold us harmless from any resulting claims.

SPE-Rev. One 12/00-Per #1559185-©1994-2000 FedEx-PRINTED IN U.S.A.

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Attachment D



United States

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820099403488 In Transit

Link

Tracking Number 827945724211
Reference Number
Ship Date
Delivered To Recipient
Delivery Location BELLEVUE WA
Delivery Date/Time 07/13/2001 10:38
Signed For By D.MITCHELL
Service Type Priority Pak

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Scan Activity	Date/Time	Comments
Delivered ISSAQUAH WA	07/13/2001 10:38	
On FedEx vehicle for delivery ISSAQUAH WA	07/13/2001 07:47	
Package status ISSAQUAH WA	07/12/2001 16:44	Package in FedEx location
Delivery attempt ISSAQUAH WA	07/12/2001 10:09	Customer not available or Business closed
On FedEx vehicle for delivery ISSAQUAH WA	07/12/2001 07:48	
Arrived at FedEx Destination Location ISSAQUAH WA	07/12/2001 07:25	
Left FedEx Ramp SEATTLE WA	07/12/2001 06:38	
Arrived at FedEx Ramp SEATTLE WA	07/12/2001 06:01	
Left FedEx Sort Facility MEMPHIS TN	07/12/2001 01:48	
Left FedEx Sort Facility MEMPHIS TN	07/12/2001 01:37	
Arrived at Sort Facility MEMPHIS TN	07/12/2001 00:58	
Left FedEx Ramp SPOKANE WA	07/11/2001 19:54	
Arrived at FedEx Ramp SPOKANE WA	07/11/2001 18:20	

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Enter your email (optional), up to three email addresses as recipients, add your message, and click on **Send Email**.

From

To

To

To